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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,961	11/17/2003	Eric E. Blouin	RPS920030169US1	5408

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EXAMINER

SUGENT, JAMES F

ART UNIT	PAPER NUMBER
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2116

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/715,961	Applicant(s) BLOUIN ET AL.	
	Examiner James F. Sugent	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 12-15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is sent in response to Applicant's Communication received December 22, 2006 for application number 10/715,961 originally filed November 17, 2003. The Office
5 hereby acknowledges receipt of the following and placed of record in file: amended Drawing, amendments to the Specification and amended claims 1-18 (wherein claims 6, 11 and 16 are canceled and claims 17 and 18 are new) presented for examination.

10

Drawings

The amended Drawing (Figure 2), submitted December 22, 2006 for missing reference numbers, has been accepted and placed of record in file.

Specification

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The amendments to the Specification, submitted December 22, 2006 for various typographical errors, have been accepted and placed of record in file.

Claim Objections

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The amendments claims 13-16, submitted December 22, 2006, have been accepted and placed of record in file. Therefore, the claim objections to claims 13-16 presented by the Examiner in the last Office Action, submitted June 19, 2006, have been overcome.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 4, 5, 7, 9, 10, 12, 14, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as
5 being unpatentable over Bearden et al. (U.S. Patent No. 6,718,373 B1) (hereinafter referred to as Bearden) in view of David et al. (U.S. Patent No. 5,948,101) (hereinafter referred to as David).

As to claims 1, 7 and 12, Bearden discloses a computer manufacturing system, method and program instructions comprising: a first server (110) storing a plurality of images, each image corresponding to a different operating system (Bearden discloses a manufacturing system
10 comprising a server 110 containing images and installation software used to install any type of operating system and software dependent on the order of the customer; column 2, lines 15-35 and column 2, lines 48-59 and column 6, lines 41-51); a system under test (SUT) (200), including a network adapter (necessitated by communication with network 112) and a boot loader (column 11, line 66 thru column 12, line 33 and “BIOS launches a Boot Loader” step of
15 Fig. 13), the boot loader to load a first image (“install package source files”) of the plurality of images onto the system under test (SUT) during a first part of a manufacturing process of the system under test (SUT) (column 6, lines 41-51 and column 5, lines 9-20 and “Download OS and Application Set-up Files from Factory Server” step of Fig. 13), wherein the first boot image corresponds to a first operating system, and wherein the first image is received by the system
20 under test (SUT) through the network adapter (column 2, lines 15-35).

Bearden fails to disclose the images being loaded are boot images and further loading a second boot image of the plurality of boot images onto the system under test (SUT) during a

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second part of the manufacturing process of the system under test (SUT) and, wherein the first and second boot images correspond to different operating systems.

David teaches a method and system for booting a computer wherein the computer loads a first boot image and a second boot image from a server (19) (column 2, lines 23-62 and column 3, line 42 thru column 4, line 4). David continues to teach the system installing a first program (limited functional operating system) associated with a first boot image and installing a full-featured operating system associated with the second boot image such that the operating systems are different (column 5, line 64 thru column 6, line 12 and claims 1 and 2). Furthermore, David teaches the first boot image is installed during a first part of a process and the second boot image is installed during a second part (column 2, lines 23-62). David further teaches the additional benefit of overcoming identification and binding with computers through a common system wide server (column 2, lines 10-18).

It would have been obvious to one of ordinary skill of the art having the teachings of Bearden and David at the time the invention was made, to modify boot loader of Bearden to include the loading of a first and second boot image that are associated with different operating systems as taught by David. One of ordinary skill in the art would be motivated to make this combination of including the feature of loading a first and second boot image that are associated with different operating systems in view of the teachings of David, as doing so would give the added benefit of overcoming identification and binding with computers through a common system wide server (as taught by David above).

As to claims 3, 9 and 14, Bearden in combination with David taught the computer manufacturing system, method and program instructions in claims 1, 7 and 12, as shown above.

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Bearden further teaches the system wherein the system under test (SUT) consists of a single processing system (column 3, lines 39-55).

As to claims 4, 10 and 15, Bearden in combination with David taught the computer manufacturing system, method and program instructions in claims 1, 7 and 12, as shown above.

5 Bearden further teaches the system wherein the system under test (SUT) comprises a server dense architecture including a plurality of processing systems (column 2, lines 48-59).

As to claim 5, Bearden in combination with David taught the computer manufacturing system, method and program instructions in claim 1, as shown above. Bearden further teaches the computer manufacturing system wherein the boot loader comprises preboot code within the
10 system under test (SUT) (column 11, line 66 thru column 12, line 33).

As to claims 17 and 18, Bearden in combination with David taught the method and program instructions in claims 7 and 12, as shown above. David further teaches the system wherein loading a second boot image includes rebooting the system under test (SUT) prior to activation of the second boot image (column 2, lines 23-62).

15 Claims 2, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bearden in view of David as applied to claims 1, 7 and 12 above, and further in view of Wiedeman et al. (U.S. Patent No. 6,651,093 B1) (hereinafter referred to as Wiedeman).

As to claims 2, 8 and 13, Wiedeman teaches a computer manufacturing system, method and program instructions wherein: the first server (110) assigns a MAC address to the network
20 adapter during the manufacturing process of the system under test (SUT) (column 3, line 51 thru column 4, line 3 and column 4, line 54 thru column 5, line 7 and column 7, lines 36-57 and Fig. 7A); and the system uses the MAC address assigned to the network adapter to determine the

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files/programs of the plurality of files/programs to load onto the system under test (SUT) from the first server (Wiedeman teaches a unique barcode used to identify the OS and programs to install uniquely for every order; column 5, lines 17-33 and column 7, lines 36-57). Wiedeman has the additional features of dynamically binding a computer to be built-to-order without
5 necessitating a particular location in the burning racks (column 2, lines 14-29).

It would have been obvious to one of ordinary skill of the art having the teachings of Bearden, David and Wiedeman at the time the invention was made, to modify addressing of the network adapter of Bearden to include addressing of the network adapter to the server using a MAC address as taught by Wiedeman. One of ordinary skill in the art would be motivated to
10 make this combination of addressing of the network adapter to the server using a MAC address in view of the teachings of Wiedeman, as doing so would give the added benefit of dynamically binding a computer to be built-to-order without necessitating a particular location in the burning racks (as taught by Wiedeman above).

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Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to James Sugent whose telephone number is (571) 272-5726. The Examiner can normally be reached on 8AM - 4PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

James F. Sugent

5 Patent Examiner, Art Unit 2116

March 1, 2007


REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
3/5/07